

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**KRISTIN A. HOWARD,**

**Plaintiff,**

**vs.**

**No. 1:17-cv-00135-KRS**

**NANCY A. BERRYHILL,**

**Acting Commissioner of the Social Security Administration,**

**Defendant.**

**ORDER AWARDING ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT**

**THIS MATTER** coming before the Court upon Plaintiff's Motion for Attorney Fees Under the Equal Access to Justice Act (Doc. No. 25), Defendant having no objection to Plaintiff's Motion, and the Court being fully advised in the premises, finds that the Motion is well taken and should be granted.

**IT IS ORDERED** that Plaintiff is awarded attorney fees in the amount of \$4,115.70 pursuant to 28 U.S.C. § 2412(d). The award shall be made payable to Plaintiff as prevailing party in accordance with *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010) and *Manning v. Astrue*, 510 F.3d 1246, 1254 (10th Cir.2007). **IT IS FURTHER ORDERED** that, if the Court also awards attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir.1986).



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**KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE**